



## Office Action Reply

The Linear Motion Ad and Partition Panel or “L-MAP” (registration number 10/766,548) share some conceptual identity with the “Check Out Device” (Newbold patent number 2,650,678) in that they are both designed to separate purchase items at a check out counter, thereby expediting the checkout process. In its simplest terms, both devices accomplish this by imposing a vertically suspended barrier, which travels along a horizontal plane, to achieve the aforementioned separation.

However, I respectfully submit that the “L-MAP” (registration number 10/766,548) demonstrates a variety of new and useful improvements over Newbold’s “Check Out Device” (Newbold patent number 2,650,678). These improvements are primarily reflected within the overall product design, including a drastic reduction in the number of parts, along with the resulting ease and efficiency with which the “L-MAP” performs and operates over its predecessor, hereafter referred to as Newbold.

Please consider the following!

Among the most notable of the new and useful improvements revealed by the “L-MAP” (registration number 10/766,548) incorporates the function of a partition panel with a checkout counter conveyor belt. They respectively combine to simultaneously separate and actuate movement of purchase items across a check out counter. This simple, yet profound innovation eliminates the need for a “pull bar” as disclosed by Newbold (patent number 2,650,678 Fig.4 Part 21) along with the necessary application of physical force by an operator, to accomplish the aforementioned movement of said purchase items.

The elimination of Newbold’s “pull bar”(patent number 2,650,678 Fig.4 Part 21) also renders counter weights, the subsequent housing for said weights and all other similarly associated components including a sub-frame assembly as disclosed in ( Newbold patent number 2,650,678 Fig.3 Part 44) obsolete.

What emerges is the “L-MAP” (registration number 10/766,548) a more efficient and cost effective to manufacture compact design than its predecessor, featuring less than a quarter of the number of parts while utilizing only a fraction of the checkout counter space required by Newbold’s “Check Out Device” to both install and operate. The latter is particularly significant, in view of the substantial changes, checkout counter environments have undergone in the 50-plus years since the Newbold “Check Out Device” patent was granted. Gone is the backside checkout counter space accessibility as illustrated in (Newbold patent number 2,650,678 Fig.4) required for the installation and unobstructed operation of Newbold’s “Check Out Device.” Today the aforementioned checkout counter space is routinely occupied by an array of fixed product displays, along with an assortment of supporting structures and a host of electronic related components. Kindly note that the “L-MAP” is specifically designed to accommodate today’s product packed, structurally challenging, checkout counter environment! Unlike Newbold, the “L-MAP’s” streamline base, overall compact design and special mounting technique, as illustrated in (registration number 10/766,548 Fig.1) allows the “L-MAP” to be installed and operate directly atop a checkout counter rail, thereby avoiding contact with a variety of would-be obstructions on either side of said rail as previously referenced. And whereas Newbold’s order dividing member is limited to vertical application, the “L-MAP” turret allows for additional lateral movement, enabling the aforementioned partition panel to rotate in and out over a checkout counter as needed.

And finally, it should be further noted that the "L-MAP" utilizes modern, high quality, anti-friction linear motion systems, to achieve smooth virtually maintenance free movement of the aforementioned partition panel, when introduced into the field of a checkout counter conveyor belt (registration 10/766,548 Fig. 2) to effect the separation of purchase items at said checkout counter. Said system also serves to withstand the high volume of repetition imposed over the life of the product.

*It is certainly reasonable to conclude that the retail industry's universal non- acceptance of Newbold's "Checkout Device" stands as a testament to its lack of practical application as set forth in the patent of 50-plus years ago and making it even less relevant today, for reasons previously outlined. Conversely, the "L-MAP" demonstrates a radically redesigned vertically suspended barrier concept, more capable of functioning in and physically navigating through today's checkout counter environment, thereby elevating and advancing the state of the art.*

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The Linear Motion Ad and Partition Panel, here after referred to as the "L-MAP" (registration number 10/766,548) and Misaresh, (Patent Number 5,933,994) here after referred to as Misaresh, share the same concept of creating a device with the dual capacity to separate purchase items at a checkout counter, while simultaneously serving as a medium for the purpose of promoting various consumer goods and services.

*Where they differ lies in the specific methodology, product design and resulting effectiveness of the means by which they approach the previously stated objectives. With that in mind, please consider the following new and useful alternative approach* as set forth by the "L-MAP", over that of its predecessor Misaresh.

The "L-MAP" is *designed to serve as a miniature billboard, supplying over twice the surface area to accommodate promotional materials above and beyond that of Misaresh. Here is a case where such an appreciable difference in size matters. It is particularly significant to advertisers, in that the "L-MAP" offers greater flexibility in the size and use of fonts along with graphics or any other visual means to maximize the commercial impact on consumers.* Additionally, the "L-MAP's" method of displaying promotional materials is in stark contrast to that of Misaresh. This is evidenced by the fact that *"L-MAP" ads are always presented in an upright vertical position, while suspended over a checkout counter by means of a rail supported partition panel, (registration number 10/766,548 Fig. 2) thereby providing a more discernable separation of purchase items, along with a more effective format for viewing promotional materials.* Again, this approach and resulting effect, stands in direct contrast to that of Misaresh, which when utilized is *literally immersed and surrounded by purchase items* on a checkout counter, *due to its free standing low profile horizontal plane of application.*

Even when not in use, the “L-MAP’s” generously proportioned partition panel prominently displays promotional materials by maintaining the same upright vertical position at a checkout counter. (registration number 10/766,548 Fig.1) While Misaresh essentially teaches a hollow transparent free-standing structure comprising end caps for the purpose loading and housing promotional materials, (patent number 5,933,944 Fig.4 Part 44) the “L-MAP” consistently features a more mechanically sophisticated and overall superior approach to that of Misaresh.

Yet another example is the “L-MAP’s” application of a live hinge swing out panel hatch (registration number 10/766,548 Fig.4 Part 2) which provides for the quick and easy access of promotional materials on either side of a partition panel for display, (registration number 10/766,548 Fig.4 Part 1) in contrast to the Misaresh teaching of “end caps” to achieve said access, (patent number 5,933,994 Fig.4 Part 44) The “L-MAP” promotional materials are secured and held firmly in place by a slotted partition panel frame (registration number 10/766,548 Fig.4 Part 3) which extends around the entire perimeter of the aforementioned partition panel, as oppose to Marsaresh’s reliance on product structural walls for containment of said materials. (registration number 10/766,548 Fig.3)

And finally with the “L-MAP”, there are no worries about lost or misplaced ad campaign materials. Unlike the Marsaresh free standing unsecured approach, all “L-MAPs” are securely attached to a checkout counter, via a linear motion rail system.

The overall physical design and function of each and every component previously cited are among the unique features of the “L-MAP”, (registration number 10/766,548) which when individually and or collectively applied, distinguish it from prior art and specifically offers new and useful improvements over that of its predecessor, Misaresh (patent number 5,933,944).

In spite of the related field of application and components which could reasonably be interpreted as counterparts, I respectfully submit that the intellectual process which led to the creation of the “L-MAP” should not in any manner be misconstrued as a co-opting of Misaresh. The feature in question did in fact evolved as a unique progression in creatively allowing the “L-MAP’s” partition panel surface to double as an advertising medium through additional original design implementation as previously outlined.

Given the “L-MAP’s” novel and improved approach over Misaresh as previously related, the “L-MAP” could easily and reasonably be interpreted as a legitimate advancement in the state of the art, in the same manner granted Misaresh over prior art.